

REMARKS

This responds to the Office Action dated on July 11, 2005, and the references cited therewith.

No claims are amended or cancelled. Claims 1-9 remain pending in this application.

§102 Rejection of the Claims

Claims 1-4, 6, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ulrich (U.S. Patent No. 6,220,879).

Applicant traverses the rejection of claims 1-4, 6, and 9 in view of the Ulrich reference since the reference does not teach each and every claim element arranged as in the claim.

“Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)).

For instance, Applicant cannot find in the cited reference: wherein the gripper arm of the lever/pull handle carries a rotatably connected control lever with a stepping pawl to operate the switch when the plug-in module is completely inserted, as recited in claim 1.

The Office Action states that Ulrich shows “the gripper arm 5 of the lever/pull handle 6 carries a rotatably connected control lever 17.” (Page 2 of the Office Action). Applicant traverses this characterization of the Ulrich reference. Leaf spring 17 of Ulrich is neither carried nor rotatably connected to lever 6. In contrast, the Ulrich reference discusses that to a front plate 35, a socket 28 is secured which forms a carrier body for a switching element 11 and for a lever 6 via an axle 16. (Col. 3, line 13-16). The socket 28 is formed to a T-shaped profile, which together with its grooves 29 forms a vertical longitudinal guide for the lock 12. (Col. 3, lines 17-19). Accordingly, as described in the Ulrich reference (and as best shown in Figs. 2-4), the lever 6 is rotatably connected to socket 28 and lock 12 moves vertically with respect to the socket 28. The lock 12 and its leaf spring 17 cannot be rotated. The lock 12 can only move transversally in the guiding grooves 29, which means that the movement of the lock is vertical in regard to the socket 28. The direction of lock 12 is independent of lever 6. The lever 6 blocks or allows the movement of the lock 12, but the lever does not change the direction of movement of the lock.

Accordingly, the lock 12 and the leaf spring 17, which is part of lock 12, are not rotatably connected to the lever 6, as required by claim 1.

Claims 2-4, 6, and 9 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 1, 4, and 6 rejected under 35 U.S.C. § 102(b) as being anticipated by Han et al. (U.S. Patent No. 5,989,043).

Applicant traverses the rejection of claims 1, 4 and 6 in view of the Han et al. reference since the reference does not teach each and every claim element arranged as in the claim.

For instance, Applicant cannot find in the cited reference: a swivel-mounted lever/pull handle with a gripper arm located in a frontal area of the plug-in module; wherein the gripper arm of the lever/pull handle carries a rotatably connected control lever with a stepping pawl to operate the switch when the plug-in module is completely inserted, as recited in claim 1.

The Office Action states that Han et al. show “a swivel-mounted lever/pull handle 150 with a gripper arm 140 (140 is seen to be an arm that grips panel 100).” (Page 4 of the Office Action). Applicant traverses this characterization of the Han et al. reference. The Office Action appears to interpret the Hans reference such that the bracket 140 of Hans is part of the handle 150 of Hans. In contrast, the Han reference discusses that bracket 140 is fixed to PCB 120. The bracket 140 functions as an adaptor to fix the handle 150 to the plug-in module. In contrast, the handle 150 is a discrete handle member rotatably mounted to bracket 140. At the least, the upper part of handle 150 acts as the “gripper arm” of handle 150. In other words, bracket 140 cannot be construed as being part of handle 150. They are separate, discrete items performing different functions. The handle 150 is rotatably mounted to the fixed bracket 140. This structure does not read on “a swivel-mounted lever/pull handle with a gripper arm,” as recited in claim 1.

Claims 4 and 6 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Allowable Subject Matter

Claims 7 and 8 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims. Applicant acknowledges the allowability of claims 7 and 8. However, since Applicant believes parent claim 1 is patentable, Applicant has not rewritten claims 7 and 8 at this time and reserves the right to amend them at a later time.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL JOIST

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3267

Date 10/11/05

By Peter C. Maki
Peter C. Maki
Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of October, 2005.

LISA POSORSKE

Name

Lisa Posorske

Signature